P7. 68-98

G. R. S. IX-5]

Previous references. 1817-98

192 .

(LR)

File No 91-97.

Serial Nos 1-11.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-11

In ~~Part~~ B for March 1899.

SUBJECT

Claim of Kallagunga, Inchenahalli, Chikkaballapur taluk, for Niragani Irisan.

Accountant and Steno

D 2235-(P)-20,000-11-5-23

Indexed

Ikra - work

Pet^{r} — Kallu Ganga
Anganti of Manchasibile
Chikballapur taluk

C-pet^{r} — M. Ganga (also Anganti)

Subject — Claim Decree 2/3rds
Ite mnasi, inheriting
only 2 mfants

The parties (pet^{r} & c-pet^{r}) are
related each other as shown
in the margin (the genealogical
tree has been admitted by the parties)
In the Shiriboque's deposition
before the Shiristadar (d 16/11/94) it is stated
that Bheliyya (the Munda from whom all
the genealogical tree) was the ancestor
Anganti before the survey settlement
and that one Ganga is shown
as Registadar after the survey
settlement. His information
seems however incorrect for
the answer states in his rejoin-
der (d 13/11/96 that one
Rajpal Ganga is shown as the
Registadar and that three
persons viz (1) Ganga (2) Bheliyya
(3) Kallu Ganga (not the pet^{r}) are shown

Serial No 14: Bheliyya

Ennappa	Kallu Ganga	Nagappa
x	y	w
	z	
Pedda Ganga (left the Mudale above 30 years ago)	Kallu Ganga (pet^{r})	Bheliyya, Ganga (c-pet^{r})

S. No 15 & 15/2

Y No 26/3

1 in the Barabuluk Register of 1868.

doing duty'.

C-pet^{r} presented a petition on 4/1/94 (no 13)
& the ambn complaining
that tho' he was doing
equal work, pet^{r} (Kallugaya) was receiving
2/3rd mean and that C-pet^{r} having
just succeeded to his father's
duties & being a young man was
inadequately accepting
the management.

[In his deposition before the Sheristadar, (no 15/1)
C-pet^{r} stated that he had
intended to complain of the
unequal distribution of the mean
monies as well as of the mean
but that the words of the petition
omitted the complaint about
the mean monies
In his pet^{n} to the sub D^{n} Offr, & 28/3/94 (S.No. 19)
however, C-pet^{r} complained of
the unequal distribution of both the
mean monies & the means]

The Shekdar who was directed to
enquire took down a mahazar (no 15 to 18)
from the ryots, & statements from
Subbarayudu (father of c-pet^{r}), C-pet^{r},

Petr, and the Thantopat & Patel.

In the mahazar the reports stated that for the last 30 years, 2 mayans had been doing work and that they used to receive equal shares in the distribution of Rupai 9 per (c-petr's father), the Thantopat & patel (who gave a joint statement) Corroborated the above statement.

Petr stated that he had 2/3 share in the magnesite pit, as Ratnaja received his 1/3 share & petr then left the village for Mr Thomas in Bangalore, that he was also doing 2/3rd of the work and that he had all along been receiving 2/3rds of the proceeds & mines as well as paying 2/3rd of the total on the same terms.

The Sheristadar reported that the Tank (Amanikere) had 2 sluices and that the work connected with one of the sluices was looked after by petr, & the other by c-petr, that it was

not possible to state the actual
under each share as the wet land
were irrigated by both the Rivers indifferently
- that the Terrie Irrigation Lands
Comprised Sheets 7, 26, 83 & 116
(Extent. Jacaes & 37 gunthas & assessed
52 Rs but 1/2 half is by agreement only the Local
& the Irrigation Cesses @ 3 1/4 Rs
respectively)
= The annual value of the shekdari
& see if the parties would settle
the matter amicably but as the
shekdar reported that they
did not, referred the matter for
the orders of the Collr Dt. They
and gave it as his opinion
that as the 2 Irrigants did
equal work, they should get
equal shares in the water
The Collr Dt. Offrs concurring
in the opinion of the Assistant
ordered accordingly.
It will be observed that no
orders were passed regarding
the unequal distribution of the
Irrigation water, though C-pet.
had raised the question in his
petn. & the Collr Dt. offrs

In Madras, a summons
files is expressly directed not
to entertain applications for
review, and pet[r] could by any
legal rule rectified by appeal
(Standing order No 178, para
13 of the Board of Revenue)

Petition for review of officer's own
order should therefore be summarily
rejected"

Pet[r] applied to the Subdiv[l] Offr
for review of the above order,
on the ground that he had sought
to show that he had been paying
3/3rd of the cesses on the dry land
and was therefore entitled to
receive 3/3rd more
The Sub Div[l] Offr enquired into
the matter & there were many
parties showing the shares
the Irrigation produce between the
pet[r] & C-pet[r] & also if
there were any evidence of
pet[r] having paid 3/3rd of the
cesses on the dry land.
There was a change of Sub D.
Offrs about this time & the
Manager who was in charge
of the first order on the
original petition
found that the parties were doing equal
work & without reference to
the contents of the petition.

Pet[r] appealed to the Div[l] Comm[r]
who called for information on
the following grounds
(1) Extent of land under each
of the 2 sluices
(2) Extent of dry land with the
cultivation & possession of each party

(3) Whether at any time a 3rd Ryotwar was doing work? The information to be obtained by referring to the accounts-Examining Batmen, as a Simple Member was not conclusive evidence

(4) Records connected with the payment of quit-rent on the Service Inam (land) by the parties, to be referred to & sent up.

The answers reported (13/11/96)

(1) That the extent of land under each Hissa could not be given as the Hissas were not separated, the lands equally under both the Hissas were irrigated by the channels

(2) That it was the practice for the ryots to divide the produce at the time of harvest & that no return could be made to be in the possession of either.

(3) That from the Barabalutti Register of 1868, it appeared that one Ryot-pear Eyanga was the Ryotwar & that 3 persons did the duty Ryot-work.

(4) That from the pattas & receipts filed by the petr, it appeared that petr had been paying the quit-rent within the last 4 years but that he had paid

(1) Receipt ~~no~~ d 16/6/88
shows pet[r] to have paid Rs 4½ on
account of grain-rent (the entire
Gillahandi levy 6½ Rs)
(2) Receipt d 11/7/87 shows pet[r] to have paid Rs 22-7-8
the account of ⅔ hissa
(3) Receipt on account of Bhelunga's
patta (Year 1890)
pet[r] paid Rs 3-7-1
(4) Receipt d 16/3/91 (Bhelunga's patta)
for Rs 3-7-1
(5) Receipt d 20/5/93 for Rs 3-7-2
(same patta)
(6) Receipt d 26/5/94 for Rs 3-7-6
(same patta)
(7) Receipt d 28/5/95 for Rs 3-7-1
(same patta)

[Receipts 1 to 2 show pet[r] to have paid
⅔rd of the grain-rent which from 1890 pe
has been paying only ½ grain-rent]

⅔rd of the grain-rent before that
period (particulars are given
in the margin)

The annals also testify the
depositions taken from the parties &
the village officials - which
are very much the same as
those recorded by the Tahsildar.

The Dy comm[r] observed that-
though at one time 3 mustadis
actually collected, only two were
doing work at the present time
though there was some evidence
to show that pet[r] had paid
⅔rd of the grain-rent for some years,
his grain-accounts did not support this
statement / the witnesses
(though it might, the statements
of Imam produce) and accordingly
confirmed the Tahsildar's
order.

Pet[r] has appealed against the
above order on the grounds (1) that
he has ⅔rd lease on the mirasi
hak & hence entitled to ⅔rds of the
mirasi (2) that he has been paying
⅓rd of the grain-rent & has been receiving
⅔rd of the Imam produce (3) that
the witnesses ⅔rd lease on the
hak, as Potdar's respondents have
pet[r] when he left the village

Whether Petrolagar + horse can be kept alive while he ~~is~~ left the Village 30 years ago + whether it can be recovered 5 yet ± years doubtful

19/8/97

Let this be inserted in the Report upon Council in the usual course & returned

One other ~~the~~ question which is how long ~~is~~ on an average period of time the Petrolagar in the composition of our Mixed Manure. This must be found by the Sub Committee & the result must be known before the Report will be printed

19-8-97

Forwarded to Dyer

19/8/97

Noted

20/8/97

The Dy Comr reports that there is no evidence on record to arrive at a finding

My 16/10/19

Under the 2nd Councillor's order dated 15th December 1897, the Deputy Commr has asked to give the parties an opportunity to adduce further evidence and to submit his finding on the question. The Dy Comr referred the matter to the Sub-Dy Officer of Chickballapur who examined the parties and the witnesses noted in the margin and filed the documents produced by the Counter Petitioner.

The Petitioner stated that his father, Counter Petitioner's father and Thittamari Patalija (Counter 2nd witness) were cousins of the 3rd degree, and were hakdars to

A. Petitioner's Witnesses:—
(1) Subbaraya (age 24)
(2) Munda Reddi, Patel of Ramachandrahalli village (age 35)
(3) Papija (age 45)
(4) Chikkanna (" 35)
(5) Timmarayappa Patel of Ramachandrahalli (age 45)
(6) Patalaja (age 40)

B. Counter Petitioner's witnesses:—
(1) Kiranna (age 45)
(2) Nanja (" 55)
(3) Timmareddi (" 75)

C. Court-witnesses:—
(1) Ramappa Shanbhog of Manchenahalli (age 70)
P.T.O.

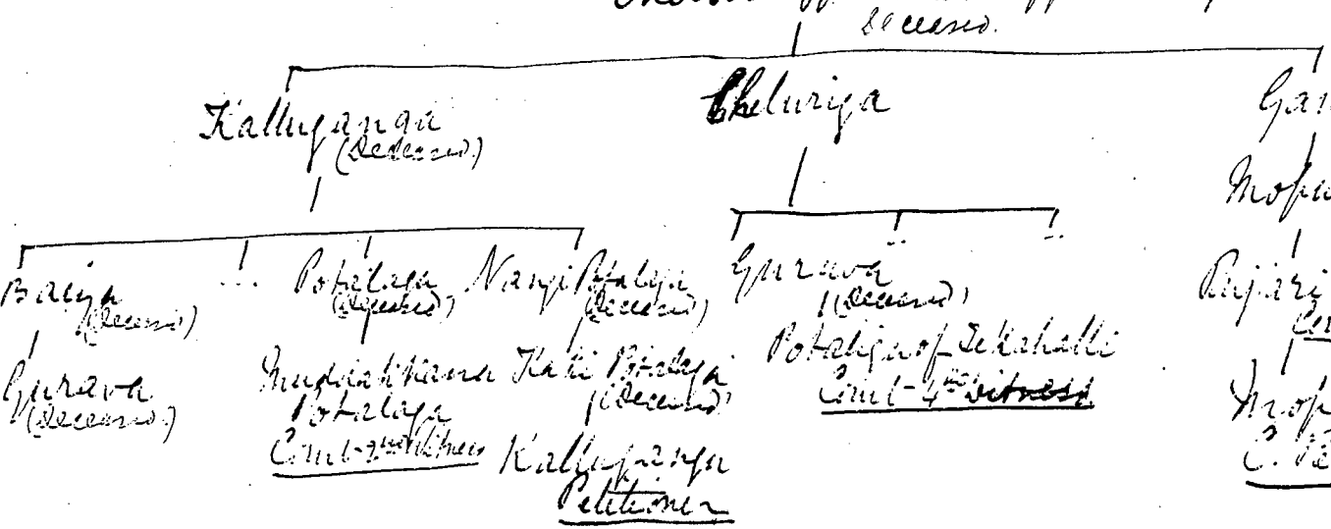
(2) Potaliya of Mittemari. (aged 60)
(3) Ganga " 90 (Respectfather)
(4) Potaliya of Tekkalige

the office in question, that about 16 years ago Potaliya gave his share in the office to him (Peti) and went to Mittemari that he enjoyed 2/3 of the Inam and the produce of the Inam lands, as for the last 6 years he and he had been doing the work jointly with himself and the Counter Petitioner, and that before that period one Gidda whom he had appointed was doing duty along with him, and that as Mittemari Potaliya came to the village and wanted to get back his share, the Peti's prayer was that the Inam should be divided equally among the three Prakdars.

The Counter Petitioner denied Mittemari Potaliya's right to the office in question, and the Petitioners and and Giddas having

having ever performed the duties of the ~~Pattu~~ office, and stated that he and the Petitioner were the only heirs and divided the Gains and the Inam produce equally, but that for the last 5 years the Patil was ~~agreed~~ without his (C. Pitchi) consent, paying ~~½~~ 2/3 of the Gains and produce to the Petitioner and the third to him.

The Sub Or Officer has prepared, according to the statement of the Court 2nd witness Ganga (C. Pitchi's father), a Genealogical Table of the family (Exhibit A) which is given below:—



The correctness of this genealogical table has been admitted by the parties as well as the Court-witnesses 2 and 4 whose names also appear in that table. But it differs very much from the table prepared on 16th January 1894 by the Mobil Mudaliar according to the statement of the same Rajah Ranga (C. Petitioner 4) and admitted to be correct by the parties (Vide extract noted in the margin of the first page of this Office Note) according to the ~~old~~ table of 94 the 3 sons of the original Rajah Ranga were Yarrappa, Kallayanga and Gopinayaka, while according to the present table they, were Kallayanga, Chellayya and Ranga. Again Court-2nd witness Potalaya (or Pattamari) from whom the Petitioner alleges to have obtained the

* Note:— Neither the witness according to whose statements both the tables appear to have been prepared, nor the parties were questioned as to this inconsistency.

⊗ The entry in the Sannadulu Register of 1864-65 (Exhibit III) is that Appa Ranga was the Rajah and that his sons Ranga, Chellayya and Kallayanga were the officiators.

the extra 1/3 share ~~which he claims~~ attached
of the land claimed by him
is shown in the former table
as belonging to the first branch
of the family, the Petitioner
and the Counter Petitioner
belonging to the 4th the 2nd and the
3rd branches respectively.
But in the present table both
the Petitioner and the said
Potaliya are shown as belonging
to one and the same branch
namely the 1st one. And 4th
witness Jekabsis Potaliya in
according to the present table
the representative of the 2nd
Branch, and he has deposed
that neither he nor his father
ever lived in Manchandele
or ever performed the duties of
the office in question. Nittenadi
Potaliya admits the correctness
of the present genealogical table
and yet claims one third share

of the land, stating that about 15 years ago when he left the village for Chittenari, he made over his share of the land, which he enjoyed till then, to the Petitioner's grandfather on the understanding that on his return it should be restored to him, and that he has now come to get back his share.

Of the 6 witnesses examined by the Petitioner, the 1st witness Subbaraya who has been living in the village only for the last 3 years does not know anything personally but has only heard that the Petitioner takes $\frac{2}{3}$ and the C. Petitioner $\frac{1}{3}$ of the produce of the inam lands.

The other witnesses are

all unanimous in saying that the 1st Petitioner owns the land and the Counter Petitioner does the work connected with the irrigation of the lands under the eastern and western sluices respectively, and that they divide the produce of the Service Inam lands in the ratio of 2 to 1. With regard to the employment of the mirasi that is paid by the Ryots, witnesses 3 state that the paddy paid by the Ryots, which is paid by the holders of the lands under their respective sluices. The 4th 5th and 6th witnesses state in examination-in-chief, that the Petitioner enjoys 2 shares and the Counter Petitioner one share. But in Cross examination, the 4th and 5th witnesses state that each party enjoys

(X) Note:- The 5th witness Sinnarayyar however states that the parties cultivate 3 of the service inam lands jointly and divide the produce equally, and that they have divided the 4th land.

the rivers paid by the holders of the lands the irrigation of which he regulates and the 6th witness states that he has not seen the unequal division of the rivers since the Survey Settlement. The 5th witness who is the Patil of Manchanbelekere states that the areas cultivated under the two sluices are equal. The 2nd, 3rd, 4th and 6th witnesses state that Puttamari Potdar (Contr 2nd witness) never lives in Manchanbele and never performed the duties of the office in question.

The Contr Petitioner's witnesses state that they cultivated the Nirgunti Services Inam lands for 10 or 15 years ~~the Contr~~ and that the parties used to equally divide the Landlord's share of the produce

produce paid in kind, and that that they never saw a third man perform the Virpanti duties in the village, and that each party enjoys the mirasi paid by the holder of the land under his own share. (Note— the 3rd witness ~~agrees~~ states that he knows nothing about the division of the mirasi.)

The Court 1st witness Ramappa who is the Shanbhag of the village has stated that he has heard that the mirasi and also the produce of the Inam lands are equally divided by the parties.

The Petitioner alleges that he has been paying 2/3 of the grain-rent of the Inam lands, but the Counter Petitioner alleges that he has been paying

half, and in support of his allegation has produced two (Exhibits II + III) receipts, dated 2-3-95, and 24-2-96 respectively, which show that he paid Rs 3-4-0 in each of the two years in accordance of the Nirpadi Service Inam lands. The 5th witness for the Petitioner ~~the defendant~~ states that the Petitioner paid Rs 3-6-4 and the Counter Petitioner Rs 2-5-0 but admitted that the receipts referred to above were granted by him as Patil.

The Sub-Div Officer has recorded his finding as to the effect that for the last 20 years the parties have been in the receipt of agreed shares to which they are justly entitled"

18/9/98.

Before the Government of Mysore.

Appeal No. 132 of 1896-97.

Appellant.	Vs.	Respondent.
Kallappa of Ramchandele, Chik-ballapur Taluk.		Proprietors of the same village.

Disputes regarding the sharing of the Nirgunti Water supply from those of the Nirgunti Service Inam lands, relating to the Ramchandele Amanikere.

Order by the 1st Court
Sd. by 1st Court
the 16/9/98

98 B
Ex Hon, Appeal &
Fees - R the first
to the parties have
been in receipt of equal
shares. hereby an end
Appl
16 9 98

22

Appeal dismissed in the
order sheet
Appl
29/9

Before the Government of Mysore.

Appeal No. 132 of 1896-97.

Appellant.	Vs.	Respondent.
Kallappa		Inspector.
of Manchanbeli		
Chikballapur Taluk.		

Notice served 19.7.98

Appellant

Sched 1 ST Committee mtg ref to the order of Res Cts &c

13/2/09

Abstract and submit

S/H.T.

Subd

17/4/97

1) Time. Memo

2) Stamp Suff. affd

3) Appeal against an appellate order of the Dy Collr dismissing pet's claim & receive 2/3 of the mesne profits

4) Not a counsel case, as it stands

Appeal petition seems to be filed by appellant has 2/3 shares in the office but there are no grounds. But there are no grounds to show that the mesne profits payable to the shares available rules on the subject are

Subd to 2nd Comalle

M 21/4/97

Recd 8/m 22/4/97

Correspondent in Mesne profits

Here is no colly

Noted

Mr. Subd rules

21/4/97

Draft ord

M. 29/4/97

Draft ord M. 29/4/97 Subd

apr. 30/4/97

(253)

1) 91-97-1.

1897

No. Suit No. 132 of 96-97

Name of Petitioner Kala Gounder

Village Veerapandiyapuram

Taluk Chidambaram

District Salem

Date of Arzi 2-4-97

Date of Receipt 16-4-97

Date of Disposal

No. of Enclosure

ABSTRACT.

appeal against the order passed under Section 28 of the Madras Estates Land Act in suit No. 132 of 1896 on the file of the Court of the District Munsif of Chidambaram praying that the decree of the Lower Court may be reversed and the petition of the respondent in the said suit dismissed with costs throughout and that the appellant may be declared entitled to a two-third share in the emoluments of the Veerapandiyapuram Village Munsifship and that the respondent may be directed to pay to the appellant the costs of this appeal.

The appellant and the respondent were each entitled to a one-third share in the emoluments of the Veerapandiyapuram Village Munsifship. The respondent has been enjoying the whole of the emoluments for the last seven years. The appellant has been enjoying two-thirds of the emoluments for the last seven years. This share

2/3 Share of emoluments.

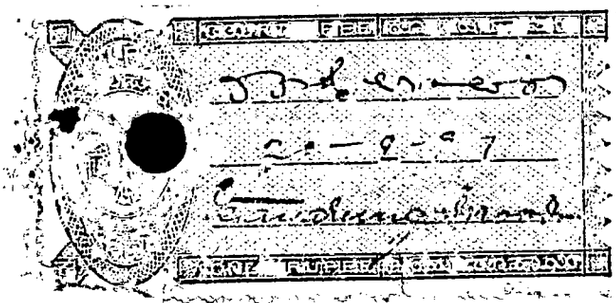
In spite of this the Lower
Courts have passed the
unjust order complained against.

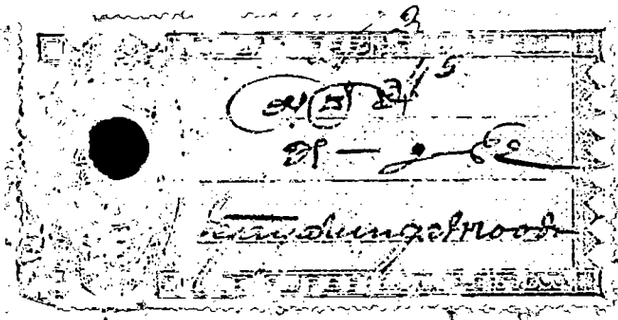
I hope therefore that the
Rules of the Convention may
be set aside & the Petr's right
to ⅔ share in the Emoluments
of the office be established &
recognized by Govt

BA
7/4/97

Enclosure

Order of the Court of Appeal
against -- (English copy produced)





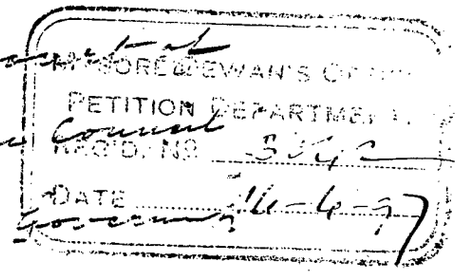
No. 25
C.S.

No. 3 on the Register affixed.

Sheet 1

36/6

In the Revenue Court at
the Diwan.
Mayoor



Appellant.

Kalu Enga.
Neeragunt of
Nanchana Velay
Chirakallapur-
Taluq - - - -

Respondent

Nanuniya residing
in Nanichanatelay
Chirakalapur-Taluq

No. 132
96-97.

The appellant above named most respectfully begs to appeal against the order of the Deputy Commissioner of Kalar District dated 14th January 1897 on the following grounds:—

That the appellant, Respondent and Kotaliya were each entitled to a 3rd share in the Neeragunts service and emoluments, putta standing still in the name of appellant's grandfather.

It is amply proved that Kotaliya made over his share of service to appellant and left the village more than 20 years

(2) Pet 16/10 Rill 3-5-97

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

R 91-97

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition Registered No. [illegible] dated 2-[illegible]-97 received at the Dewan's Office from [illegible] is forwarded, together with its enclosure, to the Deputy Commissioner of the [illegible] District for submission of the case connected therewith a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Chief Secretary.

BANGALORE, 30/4/1897.

30/4/97

M.G.C.P.B.—2-5-4-95—1,000

24/7/97

Gen. Serial No. 31.]

(3) 189

REVENUE DEPARTMENT
Gl. No. 737
No. 1262
23 JUL 97
DEWAN'S OFFICE

From Esq Commissioner
Nilgiris Received

To The Secretary to the Government of Madras

Dated 18th July 1897

Despatched

Received 21st July

Enclosures No. Nil

General No. 273
No. 59

Reporting on the petition from Kallanga Kandukudi Chieftain Telugu

Petition Marked
23/7/97
Report up.
24/7/97.

Sd/ b 2d Commissioner of Nilgiris
My 15/8/97

R2 5.8.97
1818
LR 91-97-3

Algiers Commissioner Office
Algiers
Algiers 18th July 1877

To the Secretary to the
Government of Algeria
Revenue and Civil Establishments
Algiers. —

Sir,

I have the honor to forward
official communication of Belaid
Ben Ali Chérif, requesting for
his extradition from Kabylia,
Bingali Abdelkrim Ben Kaddour,
Bin Ali Chérif, and Ali Ben Ahmed
against whom there is a claim to the
Kaid's office, Ain Abid
Kasr-el-Boukhri district as per
accompanying List for Embezzlement, committed while
2. The parties are the Bingali
of Beni Mansour tribe and the
Bingali in the case are

in Mysore, as well as the Secretary to Government (Legislative) concerned to the Chief Revenue Officer that it might be necessary for the latter officer to depute an officer to attend in the Court on the appointed day with the papers and documents, and be ready to explain the case if called upon to do so. The Chief Revenue Officer will then be in a position to instruct the Government Pleader as to the line he should take in the case. —

5 The Chief Revenue Officer, after perusal of the papers, should send in his report to the Secretary to Government (Legislative) concerned, so that the latter may depute an officer to attend in the Court on the appointed day with the papers and documents, and be ready to explain the case if called upon to do so. The Chief Revenue Officer will then be in a position to instruct the Government Pleader as to the line he should take in the case. —

alleged

alleged to have been entered be-
-tween them.—

4. Upon the appellant's Katiringa' moved the Lok Sircar for to revive the suit. But Sir Francis Macnaghten in this stage of the Lok Sircar objected a great deal from the practice and reasons assigned by the Sircar in holding that the suit could not be revived at present, but Lawis had equal right to the share of Peter when he died and for the Village.

5. Against this aforesaid order the appellant preferred an appeal to this office. Two pattas pattadars were called for and after perusing the records and hearing the parties on both sides, found that as contended for the appellant Peter had forfeited the lands for a time but after wards on the appellant and respondent had come to an amicable, that this was known evidence

entitled to the appellant Henry Reid ⅔ of said rent which rate Freemantle, except the house taken & occupied by the Queen, & the Queen to effect the ejectment of the Queen the person occupying the same and that as the Queen and Riley should make a reason that the Queen and Riley had been equally share between the parties, but was a reason to direct the Collector appeal herein.—

6. The Secretary of State official communication under the hand, &c.—

Chas. Fk. Lumholtz
Asst
Government Secretary

Attorney
Dispatch Company.

Encl
Draft

LR 91-97-4

Gen. 31] 4 1897

From

The Secretary to Govt
Genl and Rev. Depts

To

The Deputy Comr
Kolar Dt.

Dated 24-4

Despatched

Received 26-4-97

General No. 2103
P. No. 315

Enclosure No. 1 & Memo.

The Deputy Comr's letter No. 273 dated 15-7-97, reporting on the petition of Kallu Gauda of Nigule of Manchanabele village Chikballapur Taluk, appealing against the order of the Dy Comr dismissing the petr's claim to receive $\frac{2}{3}$rd of the mirasi of his office.

With reference to the above, has the honor to request that a report [illegible] may be submitted [illegible]

finding
as to how long or for
what period of time
the petitioner has been
in the enjoyment of
~~third share~~ two-thirds share
in the mosque

2. The records and the
petition with enclosures
are herewith returned for
reference and return.

By order

for Secretary

C 2

H 27/8/97

ಸಿ ಪತ್ರವ್ಯವಹಾರ ನಂ. 5-10-97 (ಕೆ.ಆರ್. 97-98) ಆರ್ 11-47-97

Jan. 31.

(5)

2500
Pat 191
OCT 97
REVENUE OFFICE

Please certify the 329 Sept 97.

AK 8/10/97. Please see the reminder sent to D.C. on 28-9-97.

Secy 9/10/97 Reg. Petitn.

AK 12/10/97. The Commr. has referred the petition from Kanj. R.I. 9-97 against the Asst. Comr. in the Nanjangud Sub-Div. for report. Pending receipt of the report, regarding that the case may be cancelled.

AK 12/10/97

I was precisely because there was no evidence on record, that the A.C. was requested to record a finding (after taking evidence if necessary) The A.C. states that there is no evidence on record to come to a finding. Here I see no reason why the A.C. should be asked to take up the evidence and D-office it himself. Let A.C. remain

My 16/10/97

Rep. 18.10.97

I think the Dy. Comr. will be the better authority to advise further evidence if any is required.

Secy 15/10/97

Secy 16/10/97

From The Deputy Commissioner —
Kolar District

To

The Secretary to the
Government of Mysore.
Revenue and General Depts.

Dated 29th September 97
Despatched 6-10-97
Received
General No. 1133
No. 319

Enclosure No. 1 file

His Docket No 2135 dated 24th. P 315
relative calling for further report regarding the petition of Kalle-Ganga, Pirgauda of Manchana-halli village Chikballapur Taluk appealing against the order dismissing the petitioner's claim to receive 2/3rd of the Mirasi of his office —

With reference to the above, I have the honor to state that 10 witnesses have been examined for appellant Kalle-ganga and 5 for Respondent-Nagaraja. None of them have referred in their evidence to the enjoyment of the Mirasi by the parties. All of them have been questioned only on the performance of the duties of Pirgauda and the enjoyment of the

the Inam Lands assigned to the Nirganti -

2. His Majesty of the witness for the appellant state that the parties and one Gidda performed the work jointly, that the last mentioned individual died 30 or 12 years ago after which the parties alone did the work and shared the Inam in the proportion of 2 shares to appellant and 1 to Respondent the Respondents witnesses on the other hand ignore Gidda and say that the parties here done the work and enjoyed the Inam equally -

3 There is therefore no evidence in the case before recording a finding on the question of the enjoyment of Nirasi -

4 The record and the appeal petition received with his dossier under reply are herewith resubmitted -

A Rangaswamy Jr
Deputy Commissioner
Kolar district

(6)

1897

From

The Secretary to Govt
Genl and Rev Depts

To

The Deputy Commr
Kolar Dt

Dated 15th

Despatched 15th Dec 1897

Received

General No. 5-386-P.

P. No. 749

Enclosure No.

Lr 91-97-6

The Dy. Comr's Docket
No. 1133/319 dated 28th September
1897, reporting, with re-
ference to the appeal of
Kalleganga, Migrante
of Kanchanahalla village
Chikballapur Taluk,
regarding his claim
to 2/3rds of the Inam
of his office, that there
is no evidence in the
case for recording
a finding on the question
of

of the relative shares in the enjoyment of the premises by the appellant and Respondent respectively.

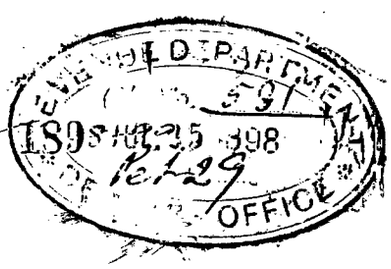
In returning the record and the evidence received with the above for reference and report, I have the honor to request that I may be allowed to be furnished as to give the parties an opportunity to adduce further evidence and submit his finding on that point.

I have the honor
to be Sir
Your obedient servant
for Secretary

16/12/97

LR 91-97-7

Gen. 31.]



From

The Deputy Commissional
Kolar District.

To

The Secretary to the
Government Devan of Mysore.
Revenue and jenral Departments

Dated 22nd July 1898

Despatched 23rd do

Received

General No. 355 3/1898-99
No. 101

Enclosure No. 1 Vakil a file of record.

Adverting to his docket No: 5288/89-99 dated the 18th December 1897 and previous correspondence relating to the appeal of Kallyanna, Mirgunte of Immahalli Village Chickballapur Taluk, regarding his claim to 2/3rd of the Inam of his office, has the honor to forward herewith, Cabral Letter No: 3, dated the 14th instant from the Sub Division Officer of Chickballapur, containing his

Taken
25/7/98

Genl Rds
Please put up Civ. Dy. 2817 of 5-11-1863, referring to and the letter.

AK
27/7/98

The circular received in further Execution of the Resolution of this.

Esq
27-7-98

Sgd. 27/7/98

Resp putup
AK
27/7/98
Sgd

Mdy
28/7/98 Make a fair copy of the Circular & send it to the Supdt Mem for to Offrs being printed
= Memorandum the file to me
Sy 28/7/98

1) Note for hearing ordered
2) continue the Memorandum
Sy 29/7/98

Office note continued

Mr Smith
29.7.98
Sent in the Regr
29/7

SC
29/7/98

his finding on the point raised.

Together with the record of further

enquiry (attached to the original

records and forwarded).

The enclosures of the docket

under reply are herewith returned.

H. P. Watts Principle Clk
Dept. of Commissioner
Northwestern

No. 31
In file Record.

Sub Division office Chicklealayam.
Dated 4th July 1898.

From

The Sub Division Officer
Chicklealayam.

To

The Asst Collector Commissioner
Tellicherry District

Sir.

I have the honor to acknowledge the receipt of your docket No: 2185/1252 of the 2nd December 1897, giving cover to return of the Secretary's No 5386-749 of the 18th Salem, in which the Government have directed that in the case of the Appellant Kallu Gunga &c. Respondent Irapuriya relative to the dispute concerning the proportion of division between them of the increase of Jeya in grain payable by the holders of wet-lands below the Tranchamalde tank (Chicklealayam Tank) at which both the parties are joint Karanganies an opportunity should be given to the parties to adduce further evidence on the said disputed point and that the finding thereon should be reported.

2 The Appellant Kalla Pungo cited 6 witnesses
in support of his assertion that for the last 16
years he has been receiving two-thirds of the
Rya from the Right, and one-third being paid
to the Respondent Kabaviwa. The Respondents
Supporters on the other hand named 3 witnesses
to prove the contention that the division of
the Right Rya was always in equal proportions.
I have examined these nine witnesses and taken
down the evidence of four witnesses as
Court witnesses. Their depositions and the
exhibits marked A and so: I. II. III & IV have
been added to the records of the case which
as per Index attached are herewith forwarded.
3. From the Evidence of the Genealogical tree
above correctness is admitted by all the
surviving heirs now present and the Exhibit
No. III, the matter-in-dispute Coconut
Register Extract No. 55 & 56 under the Boundary
Dispute No. 20 of 6th November 1863, it is
quite patent that the progenitor Subbu Pungu
died

alias Calimapoa was the sole registered Managanui of the Taua and that after his death, his 2 sons Kalla Ganga the Appellants' great grandfather, Eheluiga and Ganga the Respondents' great grandfather were joint duties jointly from the 1844. The descendants of the 2nd son Eheluiga ceased to exercise their right after the Letters death as will be seen from the evidence of the surviving heir Tekapalli Petaliga the Court Witness who is now 70 years old. It is therefore apparent that the share lapsed to the descendants of the progenitors 1st and 3rd sons viz Kalla Ganga and Ganga. The evidence shows that at a period more than 20 years ago, Ganga and Appellants' father who were the grandsons of the progenitors first son Kalla Ganga and the Respondents' father the descendants of the progenitors 3rd son Ganga, were jointly performing the duty; and each of the 2 sons receiving one-third share of the Miraoi. Ganga appears to have been dismissed for misconduct and subsequently died without issue. The evidence on behalf of

of the respondent establishes that for the last
20 years, or by reason of the appellant's father
and after his death the appellant and the
Respondent's father have discharged the duty
and received moiety in equal proportions.

3. It is found that as the land has two sluices,
the appellant and his late father were doing
the work connected with the irrigation of
the lands commanded by the Eastern sluice,
while the work pertaining to the western
sluice was performed by the Respondent's father.
The two sluices irrigate nearly equal area of
land. The evidence shows that the land
holders under the Eastern sluice have been
paying their moiety to the appellant and
his late father while those under the western
sluice to the Respondent's father. This evidence
is in a great measure corroborated by the
testimonies of some of the witnesses of the
appellant himself.

4. Of the 5 witnesses examined on behalf
of the appellant, one only the 1st witness,
the Shanbhog, stood to have no direct
knowledge of the point. These are the 4th, 5th, 6th
and

witnesses deposed to the Appellant having received two-thirds of the mirasi, but they and the 2nd and 3rd witnesses corroborate the Respondents witnesses in regard to the division of the crops by chiefs.

6. The Appellant says that the additional 3rd share was received by him for the Court 2nd witness Patalinga, the cousin of the deceased Gamma. The idea is unsupported. The Court 2nd witness has been permanently living in another village and never performed the functions of the disputed office.

6. In the course of the case mu finding is that for the last 20 years the parties have been in the receipt of equal shares to which they are jointly entitled.

I have the honour &c.

(Signed) R. Ramachandra Row
Sub Division Officer
Gudivada Taluk.

"Copy"

W. Whittingham
Agency Commissioner
for Kolarcoast.

(8) 2 Draft

1898

LR 91-97-8

From

The Secretary to Govt.
Genl + Rev Depts

To

The Deputy Commr of
~~Chingleput~~ Salem Dist

Dated 30th

Despatched 30th July/98

Received

General No. 907 P.
Rev. No. 89

Enclosure No.

The Dy Commr's letter No 35 dated 22nd July 1898 No 101 reporting on the appeal of Kallagounda, Mirasdar of Kanchanhalli village, Chitteri Hallapeni Taluk.

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Have the honor to request that a copy of the Hon'ble Bourings (without statement) Circular No 288 dated 5th November Rev 478-63 referred in para 2 of the above may be forwarded at an early date to this office as the circular is available only in a mutilated form in the Secretariat.

I have the honor to be
Sir
Your most obedient
humble servant
for Secretary

29-7-98

The Sub Dr Collr's letter forwarded with the above

The Hon'ble (Mr. Bourings) Circular
No 288 dated 5th November 1898
Rev Dept
Rev 478-63
~~~

LR 91-97-9

Gen. 31.] (9)

REVENUE DEPARTMENT
Gl. No. 467
AUG 25 1898
MYSORE DIWAN'S OFFICE

Nov 25/8

Rec'd 27/8 68 Sheets Letter

Pet 89

From The Deputy Commissioner
Kolar District

To

The Secretary to the
Government of Mysore.
Revenue and General Depts.

Dated 24.8.98.

Despatched do

Received

General No. 833 } 1898-99
No. 229

Enclosure No. 1

Sir I have the honor to state that the Amildar of Kallenganga has reported that a copy of the Board's circular No. 2557 dated 5th Nov 97 Government Order No. 865 referred to in para 3 of the Chickballapur Subdivision Officer's letter containing a finding in the case of Kallenganga, Ringanki of Bhanchanakere, Village Chickballapur Taluk, may be sent.

I have the honor to

Ro on 31/8/98 Return Pet 29/8 Mechanical Return Pet 29/8/98

Reference objected

AK 31/8/98.

Genl. No: 589 } 22-7-98 from the Amildar of Kolar relating to the appeal of Kallenganga Ringanki of Bhanchanakere pointing out connected papers are with the Amildar.

AK 31/8/98 Objection 1/9/98

I forward herewith copy of letter dated the 22nd instant from Sri K. Ramachandra Rao, Sub-division officer of Chick-ballapur re. leave, furnishing extract of Rule 3 of the said circular, the entire circular not being available with him.

H M Hammond
Deputy Commissioner
Kolar

Bangalore Park.

22. 8. 1898

To

The Deputy Commissioner

Kolar District

Sir

In reply to your No 650 of 5021
the 16th August 1895, I have the
honor to inform you that I have
not the entire copy of the Chief
Commissioners Circular No 2857 of
the 5th November 1883, but I have
noted in my private records the
Para 3 of the said Circular which
runs as follows:—

"The Enquiry in these cases should
be made by the Talook officers
it being understood that the Collector
is responsible for the correctness
of the entries made in the Registers
at his Talook. The Registers whose
names are entered in the Registers
by the Amildars should, if they
require it to be given, ask for a
copy of the entry as a Certificate
that they are the persons referred to
by

(1)

LD 91-97-10

Note of Hist. of 17/9/98

Appl.
Kallusanya

vs

Respt.
Mapurisa

Read

(1) Petn of appeal no 3642/Ans 132 of 1896-97 presented by Kallusanya against Mapurisa of Manchanabele Village, Chief Ballajora Kalanda against the order of the DC Comm'r Kolandi dismissing his claim of 2/3rd of the mavara

(2) Letter no 273/59 d 18/7/97 from the DC Comm'r Kolandi reporting on the above (In extenso)

(3) Docket no 355/101 d 22/7/98 from the DC Comm'r Kolandi forwarding the finding of the District Court for

Accept for Appt
Sub of 1st Comm'r
17/9/98
1087
17/9/98

Respt's leave to appeal
17/9/98
Kan Govt Pleader
17/9/98

the last 20 years the parties have been in the receipt of equal shares in the Miras

6601.

Order thereon Dt 8-3-99 & 20.3.99.

Sett. Cavan in the finding that the parties are entitled to equal shares in the Miras - and reject the appeal as rejected

16/3/99

Sect

To Comr, Kolar Dt with records

+ Chgs Rs. 21 to Dt DR

21-3-99

(10)

LR 91-97-11

[redacted]

Draft-

Secretary.

B. O.

Secretary